

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Sharod Frazier,)	C/A No.: 5:23-953-MGL
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden of Lieber,)	
)	
Respondent.)	
_____)	

Sharod Frazier (“Petitioner”) is an inmate housed at Lieber Correctional Institution. He filed this action, pro se, seeking habeas corpus relief under 28 U.S.C. § 2241. On March 14, 2023, the Court ordered Petitioner to pay the five-dollar filing fee for a habeas corpus action or complete and return an application to proceed in forma pauperis. ECF No. 8. Petitioner was also directed to complete a 28 U.S.C. § 2254 petition as Petitioner was challenging a state court conviction or sentence. *Id.* Petitioner was warned that the failure to comply with the court’s order by April 4, 2023, may subject the case to dismissal. *Id.* Petitioner did not file a response.

It is well established that a district court has authority to dismiss a case for failure to prosecute. “The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962). In addition to its inherent authority, this court may also sua sponte dismiss a case for lack of prosecution under Fed. R. Civ. P. 41(b). *Id.* at 630. As Petitioner has failed to prosecute this case and has failed to comply with an order of this Court, the case is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41 of the Federal Rules of Civil Procedure.

To the extent Petitioner requests a certificate of appealability, that request is **DENIED**.

IT IS SO ORDERED.

April 10, 2023
Columbia, South Carolina

s/Mary Geiger Lewis
Mary Geiger Lewis
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.